

**REGULAR MONTHLY MEETING OF THE STEPHENS CITY TOWN COUNCIL
TUESDAY, OCTOBER 7, 2008
7:30 p.m.**

Mayor Ray Ewing called the meeting to order at 7:30 p.m. and lead the Pledge of Allegiance.

Council member Bowers gave the invocation.

Roll call showed the following present:

Vice Mayor Shull, Council member Ron Bowers, Council member Linden A. Fravel, Jr.,
Council member Michael Grim, Council member James Harter; Council member Joseph
Hollis.

Staff present: Mike Kehoe, Town Administrator; David Griffin, Town Attorney; Brian Henshaw,
Town Planner; Dianne MacMillan, Town Clerk; Charles Bockey, Chief of Police

Press: Jason Kane, Winchester Star; Linwood Outlaw, Northern Virginia Daily

ACTION AGENDA

Vice Mayor Shull moved to adopt the agenda and the motion passed.

PUBLIC COMMENTS

None

MINUTES – September 2, 2008 Regular Meeting

Council member Grim moved for approval of the minutes of September 2, 2008 as presented and
the motion carried by the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

TREASURER'S REPORT

The Mayor asked for questions or comments on the Treasurer's report and there were none. The
Treasurer's report was accepted as presented.

POLICE REPORT

Mayor Ewing said the police report had been distributed, asked for any questions or comments and there were none. Council member Grim asked Chief Bockey about the homecoming parade and carnival and the Chief said except for the backup of traffic past Sherando High School everything had gone peacefully. The police report was accepted as presented.

ACTION AGENDA

A. Right-of-Way Dedication and Easement – Fairfax Street (Crooked Lane)

Mayor Ewing asked Mr. Kehoe to address the easements. Mr. Kehoe explained that the three easements before Council all dealt with West Wynd or the bypass. He added that all projects have been before Council before and the easements were necessary. Mayor Ewing asked if the easement on Fairfax was to allow relocation of the utility lines and Mr. Kehoe said it was. He said VDOT requested this as they did not want utilities under the pavement. Council member Hollis moved to accept the right of way and water line easement on Fairfax Street. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

B. Right-of-Way Dedications – Western Bypass

Mayor Ewing asked for clarification of the next two dedications and Mr. Kehoe explained it was a dedication of a right of way and abandonment of an old 15' right of way. Mr. Kehoe added that VDOT had approved the plans for the bypass. Council member Fravel moved that the Town Council accept the right of way dedications. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

C. Set Public Hearings for Ordinance Changes-Chapters 3,4, 9 and 22

Mayor Ewing asked the town attorney Mr. Giffin to explain the proposed changes to the Town Code. Mr. Griffin explained that chapter 3 and 4 were part of the Council's direction to continue re-codifying and updating the town ordinances some of which had not been changed in

some years. Mayor Ewing asked if there were changes other than those referencing state law. Mr. Griffin stated that there were some substantive changes in Chapter 4 such as removal of the building official process from the town and putting it under the umbrella of the County. He said there were some changes to chapter 3 on animals regarding animals running loose. He added that there will be a limit of three acres in order to keep hooved animals in an urban area. Council member Fravel asked if the ordinance would apply to cats running at large and Mr. Griffin said it would. Council member Grim noted that he saw problems with the requirement for three acres for hooved animals, especially horses. He said that three acres are not needed to maintain a horse as they could be stabled and this could be very restrictive. There was further discussion about broad restrictions on those who may want to own horses or cows in the town limits. Mayor Ewing asked for the proposed changes to the ordinance to be indicated in some obvious form with by highlighting or underlining. He also asked that the public hearing notices be published in the Star and the Daily. Council member Harter moved to set public hearings for changes to the Town Code for the November 4th Council meeting. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

COMMITTEE REPORTS

A. Administrative Committee – Joseph Hollis, Chair

No additional report

B. Personnel Committee – James Harter

Council member Harter reported that the Committee met but will address issues at the upcoming committee meeting on the 13th of October.

C. Public Works Committee – Mike Grim, Chair

Council member Grim reported that the Allegheny Energy right of way was approved but still needed to be signed. He said Allegheny should be advised that it needed to be signed within seven days. He also reported that opening the right of way between Newtown Court and Mulberry Terrace should be done as per the conditional use permit. Mr. Kehoe said the project is near completion and the right of way will be opened after the street is dedicated. Mr. Kehoe said there was a proposal for the renaming of Mulberry Street extended which the committee rejected. Mr. Kehoe said he was told that it caused confusion with fire and rescue and another street name would be proposed.

Council member Grim said there seemed to be disagreement about what is legal and illegal on the temporary sign issue. He said he understood that the realtor needs to sell the property but it was not right to selectively enforce the ordinance on temporary signs. He said if

it was not enforced, it should be taken off the books. Mr. Kehoe noted that there were several different ordinances that address signs and since it first came up in July there are fewer signs than before. He added that he and the police department had been picking up signs when they could see them. He stated that it was a matter of being reasonable in the restriction of the directional signs and to remove them is very time consuming but they probably should not be there. The Mayor agreed that it should be administered in a reasonable manner. Council member Grim said it was a big problem with some people being allowed to do it and others not. Mr. Henshaw said Stephens City was not the only jurisdiction dealing with this and offered to see how other jurisdictions in the state handled this issue. Mayor Ewing asked Mr. Henshaw to check into what other areas were doing and report back to Council. Chief Bockey said he instructed the officers to pick up signs and strip signs off the power poles.

B. Water & Sewer Committee – Joy Shull, Chair

Vice Mayor Shull reported on the Rowe Lane sewer extension and said that Tim Stowe, Town Engineer had presented a scope of work to look at the sewer system to evaluate I&I and set up a plan to review the system. She moved that Council approve the Scope of Work submitted by Stowe Engineering and develop an improvement plan to included in future CIP. Mr. Kehoe noted that the study will be useful for identifying what lines need to be improved to the north with the development that was projected. The motion passed with the following vote:

Recorded Vote:

Vice Mayor Shull	-	Aye
Council member Bowers	-	Aye
Council member Fravel	-	Aye
Council member Grim	-	Aye
Council member Harter	-	Aye
Council member Hollis	-	Aye

D. Public Safety Committee – Ron Bowers, Chair

No report

E. Finance Committee – Joseph Hollis, Chair

No report

PLANNER’S REPORT – Brian Henshaw

Mr. Henshaw reported that the Joint Land Committee met earlier that day and made headway. He said the main issue was residential use and trying to get an agreement between the goals of the town and the understanding of the county. He said they were still working on details of the language and should finalize the agreement to be sent to the County and Town for review. This would be a revision to the joint land use plan which is a part of the annexation agreement. Mayor Ewing asked if it was definitions of uses that were part of the discussion. Mr. Henshaw said the changes would result in more detailed definitions. Council member Fravel noted that the joint land use plan will constantly change based on new demands.

Mr. Henshaw announced that the town now had GIS mapping abilities partnered off the county GIS mapping. This can be accessed through the town website with a separate map of the town only. He said it had all the same functions as Frederick county but specific to the town.

Mr. Henshaw said that the municipal capacity study was also included in the agenda packet for Council's review. He stated that the study left them with a good starting point and recommended sending it to the appropriate committees for review. Mayor Ewing said that the Public Works Committee would be taking action to adopt the study and have recommendations ready to be included in the CIP for next year.

Mr. Henshaw next stated that the Long Company had worked out an agreement with E. R. Neff Excavating to do site work in Stephens Landing and finish out work that needed to be done in the development. He said this would include all sidewalks, paving, trails, reclamation of sink holes and other items to be noted in a punch-list in the coming week.

Mr. Henshaw also advised that he received a call from a citizen concerned about safety at Main and Fairfax with timing of lights and increase in truck traffic. He said that the planned restriping will help with pedestrian movement and he would work with VDOT to make sure timing of lights is correct. Council member Grim asked if anyone knew why large dump trucks were coming up Main Street and turning onto 81 at the light. He said they block the intersection and someone may want to notify DOT to see if they were doing that to avoid the scales. Chief Bockey said he was working with DOT checking fuel usage and could check into this at that time.

TOWN MANAGER'S REPORT – Mike Kehoe

1. Mr. Kehoe said the Stephens Court project is nearly completed and although there were two change orders, it did not result in a significant increase to the cost of the project.
2. Mr. Kehoe reported that the concession building has been inspected and is available for use. He noted that over time it will need additional equipment but it was able to be used.
3. He said that the old school project, waterproofing of the foundation, had been completed. He said that after the Peter B. Stickley Foundation meeting this week, the next phase of the project would be determined.
4. Mr. Kehoe said that the town acquired through Ford Motor Company and state contract a new 2009 vehicle to replace the older vehicle driven by the town manager.
5. He passed around the commemorative coin to be sold in celebration of the semiquincentennial to be held that weekend. He also distributed a schedule of events and list of homes to be included on the house tours. Mr. Kehoe encouraged everyone to come out and celebrate.
6. He also noted that two new businesses opened in the past month – Shenandoah Treasures and Jackson Hewitt Tax Service.

Mayor Ewing announced that one of the highlights of the weekend celebration would be the unveiling of the Stephensburg painting by Dot Henkle who will be available to sign the prints on Sunday. He said the book “Stephens City – Images of America” also would be available for purchase and signing.

COUNCIL COMMENTS/CALENDAR

By consensus of Council the Water and Sewer Committee and the Public Works Committee meetings were moved to October 23rd at the same times.

There being no further business, Council member Grim moved to adjourn at 8:25 p.m. and the motion carried.

Ray E. Ewing, Mayor Ray Ewing

Dianne L. MacMillan, CMC, Town Clerk